

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 168/2015

New Delhi this the 3rd day of February, 2017

Hon'ble Mr. P. K. Basu, Member (A)

Smt. Sunita Sehgal,
W/o. Late Sh. Vinod Sehgal
R/o. House No. A-2/56-B,
Mohan Garden, Uttam Nagar,
New Delhi-110 059.Applicant

(By Advocate : Ms. Aarushi Agarwal)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner (North),
Dr. S.P.M. Civic Centre,
Minto Road,
New Delhi-110 002.

2. Kasturba Hospital
Through its Medical Superintendent,
Near Jama Masjid,
Darya Ganj,
Delhi-110 002.Respondents

(By Advocate : Ms. Anuja Saxena)

O R D E R (ORAL)

Hon'ble Mr. P. K. Basu, Member (A)

Heard the learned counsel for the applicant.

2. There was a dispute between the applicant and the respondents whether she is entitled to the pay scale of Rs.4500-7000/- or Rs.6500-10,500/-. When the applicant retired on 30.09.2013, based on the information available, the respondents decided that her pay scale can be Rs.4500-7000/- and fixed her pension accordingly. However, the amount due to her as retiral benefits were released with a delay which is clear from the chart below:-

S. No.	Terminal Benefit Released	Amount Paid	Date of Payment	Delay in payment of retiral dues (in days)
1.	Commutation of Pension	3,08,160	22.03.2014	173
2.	GPF	1,94,535	04.03.2014	155
3.	GIS	10773	28.04.2014	179
	Total	5,13,468	-	

Clearly there was a delay of her retirement dues and therefore, the applicant deserves to be paid interest for the period 31.09.2013 to the date when the payment was actually made. The respondents are therefore, directed to make payment of interest at the rate applicable on GPF deposit for the delays mentioned above.

3. The respondents had withheld certain retiral dues of the applicant. As such, she filed OA No.3488/2013, which got decided in her favour by order dated 23.05.2014. Thereafter, the respondents paid the balance due as per chart below :-

S. No.	Terminal Benefit Released	Amount Paid	Date of Payment	Delay in payment of retiral dues (in days)
1.	Pension	86,342	26.06.2014	269
2.	Leave Encashment	11,427	09.10.2014	374
3.	Gratuity	4,91,255	07.11.2014	403
	Total	5,89,024	-	

4. It is the claim of the applicant that she should be paid interest on the delayed payment of the above amounts as well. However, since the order of this Tribunal is dated 23.05.2014,

and the respondents could have released the balance amount only thereafter, I do not think that interest on these amounts is due to her.

5. Learned counsel for the respondents also pointed out that even after the pay scale is fixed at Rs.6500-10500/-, as per the judgment in **State of Kerala and Ors. Vs. M. Padmanabhan Nair** in view of order dated 22.06.2016, any pay received by her in the aforesaid pay scale after 22.06.2010 has to be recovered. In view of that order, the amount of payment beyond 22.06.2010 be recovered from the applicant or it may be adjusted against that interest amount, allowed.

6. The O.A stands disposed of with the above observations. No costs.

(P. K. Basu)
Member (A)

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